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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,242	10/23/2001	Timo Vesterinen	975.371USW1	3310
32294	7590	11/09/2005		EXAMINER
SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			NGUYEN, HANH N	
			ART UNIT	PAPER NUMBER
			2668	

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/002,242	VESTERINEN, TIMO
	Examiner	Art Unit
	Hanh Nguyen	2668

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on Response filed on 8/29/05.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,7-10,13 and 14 is/are rejected.
- 7) Claim(s) 11 and 12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

HANH NGUYEN  
PRIMARY EXAMINER

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/9/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

***DETAILED ACTION***

***Information Disclosure Statement***

The information disclosure statement filed 10/23/01 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

The IDS filed on 10/23/01 fails to have an 1449 copy. Applicant is required to submit a 1449 copy of the IDS.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4,7-10, 13 and 14 are rejected under 35 USC 102(e) as being anticipated by Takeda et al. (Pat. 6,829,232 B1).

Regrading to claims 1, 2, 3, 7, 8, 13 and 14, Takeda et al. discloses a network control device (combination of server 3B and service control gateway 1, fig.1) for controlling data transfer ( telephone service) in a first network ( IP network 14, fig.1), wherein the data transfer is supplied from a second network ( telephone network 13a, fig.1) via a switch device ( a switch 8b, fig.1) adapted to control the second network and an interface establishing device ( gateway 2a, fig.1) connected between the switch device ( the switch 8b) and the first network ( IP network 14, fig.1), and the network control device (combination of server 3b and service control gateway 1, fig.1) controls the interface establishing device ( gateway 2a, fig.1) by using signalling associated with the first network (service control gateway 1 controls signal transmitted from gateway such as the transmitted signal is converted to IP protocol, see col.6, lines 1-5 and 30-40, In addition, communication between gateway and IP network 14 is performed by using IP protocol, col.6, lines 60-65) and controls parameters (control bandwidth) of the interface establishing device (server 3b controls bandwidth and address information of the gateway 2a, col.5, lines 45-50), wherein the network control device loads control software for the interface establishing device via the first network into the interface establishing device (server 3 stores program for controlling bandwidth of gateways ( col.7, lines 7-20).

In claim 10, Takeda discloses, in Fig.1, gateway 2a (gateway) is connected to switch 8b (gateway is connected to switching device).

In claims 4 and 9, as explained in the rejection of claim 1, Takeda discloses the gateway 2a is located remotely from the network control device. Takeda further discloses server 3 transmits a control signal to gateway ( see col.6, lines 32-40 ).

***Allowable Subject Matter***

Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In claim 11, the prior art does not disclose the switch device comprising at least one connecting means for connecting an exchange terminal for a trunk line, and the interface device is adapted to be connected to one of the connecting means in place of the exchange terminal.

***Response to Arguments***

Applicant's arguments filed on 8/29/05 have been fully considered but they are not persuasive.

On page 11 of the remark, regarding to claims 1, 8, 13 and 14, applicant argues that Takeda fails to disclose the network control device controlling the interface device by using signalling associated with the first network ; and controlling parameter of the interface device.

As described by Takeda in fig.4, server 3 ( network control device) controls a signal from IP network ( control signalling associated with the first network). See col.7, lines 1-5. Server 3 ( network control device) controls bandwidth ( controls parameters) of gateway 2a ( interface device). See col.5, lines 45-50.

Examiner believes that Takeda overcomes the claimed limitations as shown in claims 1, 8, 13 and 14.

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8AM to 5PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Chieh Fan, can be reached on 571 272 4032. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2668

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen



November 4, 2005

**HANH NGUYEN**  
PRIMARY EXAMINER